

**LEGAL NOTICE
CITY OF ONEIDA**

The Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby enact and ordain Local Law No. 5 of 2017 to amend Chapter 190 of the City Code titled “Zoning” as follows:

SECTION 1. AUTHORITY

This Local Law is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10, and New York General City Law §§ 27 and 81 and General Municipal Law § 234.

SECTION 2. LEGISLATIVE INTENT

The purpose of this Local Law is to streamline the administration and increase the efficiency of land use, planning and zoning review in the City of Oneida by consolidating the City’s Zoning Board of Appeals and Planning Commission and creating a Joint City Zoning Board of Appeals/Planning Commission.

SECTION 3. SUPERSESION OF CONFLICTING STATE LAWS

Pursuant to Municipal Home Rule Law § 10, this Local Law shall supersede General City Law §§ 27 and 81, as well as General Municipal Law § 234 to the extent this Local Law conflicts with said provisions of the General City and General Municipal Laws. This Local Law specifically supersedes General City Law § 81 (1) insofar as it sets the maximum number of Zoning Board of Appeals members at five (5).

SECTION 4. CONFLICT WITH THE CODE OF THE CITY OF ONEIDA OR THE ONEIDA CITY CHARTER

- A. To the extent the Code of the City of Oneida or the Oneida City Charter are inconsistent with or conflict with any of the provisions of this Local Law, the terms of this Local Law shall control.
- B. Wherever the terms “Zoning Board of Appeals”, “Zoning Board”, “Planning Commission” or “Planning Board”, other than references to the Madison County Planning Board, appear in the Code of the City of Oneida or the Oneida City Charter, said terms shall hereafter mean and refer to the Joint Zoning Board of Appeals/Planning Commission as established by this Local Law.

SECTION 5. CREATION OF JOINT ZONING BOARD OF APPEALS/ PLANNING COMMISSION

Article VI (“Administration and Enforcement”) of Chapter 190 (“Zoning”) of the Code of the City of Oneida is hereby amended by adding a new § 190-45 to read in its entirety as follows:

“§190-45. Joint Zoning Board of Appeals/Planning Commission.

- A. Administrative/General Provisions.

- (1) Establishment of Joint Board. The City of Oneida Joint Zoning Board of Appeals/Planning Commission is hereby established in order that the objectives and competent administration of this Chapter, and Chapters 143 and 155 of the Code of the City of Oneida may be fully and equitably achieved.
- (2) Appointment of Members. The Mayor shall appoint seven (7) members to the Joint Zoning Board of Appeals/Planning Commission. The initial appointments to the Joint Board shall be such that the term of one (1) member shall expire each consecutive year. Thereafter, members of the Joint Board shall be appointed by the Common Council for a term of seven (7) years from and after the expiration of each initial term of office.
- (3) Chairperson. The Mayor shall annually appoint one of the members of the Joint Zoning Board of Appeals/Planning Commission to act as Chairperson to preside at all meetings and hearings, to supervise the affairs of the Joint Board and to fulfill the customary functions of that office.
- (4) Secretary. A secretary of the Joint Zoning Board of Appeals/Planning Commission shall be designated by the Mayor on an annual basis. The secretary shall keep minutes of all of the Joint Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of all of the Joint Board's official actions.

B. Powers and Duties.

- (1) The Joint Zoning Board of Appeals/Planning Commission shall be authorized to hear all land use, planning and zoning matters within the City of Oneida. The Joint Board shall have all of the power and authority of the previously constituted and comprised Zoning Board of Appeals and Planning Commission as set forth in this Chapter, Chapters 143 and 155 of the Code of the City of Oneida, the General City Law and the General Municipal Law when considering all land use, planning and zoning matters.

C. Conflict with this Chapter.

- (1) To the extent any parts of this Chapter or any other Chapter of the Code of the City of Oneida are inconsistent with or conflict with any of the provisions of this Section, the terms of this Section shall control.
- (2) Wherever the terms "Zoning Board of Appeals", "Zoning Board", "Planning Commission" or "Planning Board", other than references to the Madison County Planning Board, appear in the Code of the City of Oneida or the Oneida City Charter, said terms shall hereafter mean and refer to the Joint Zoning Board of Appeals/Planning Commission."

SECTION 6. ZONING BOARD OF APPEALS ABOLISHED

The City of Oneida Zoning Board of Appeals as currently constituted and comprised is hereby abolished and, as set forth in Section 5 above, is consolidated into the new City of Oneida Joint Zoning Board of Appeals/Planning Commission.

SECTION 7. **PLANNING COMMISSION ABOLISHED**

The City of Oneida Planning Commission as currently constituted and comprised is hereby abolished and, as set forth in Section 5 above, is consolidated into the new City of Oneida Joint Zoning Board of Appeals/Planning Commission.

SECTION 8. **SEVERABILITY**

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 9. **EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.

Susan Pulverenti
City Clerk
Date Adopted 11/08/17